

Fill in this information to identify the case:

Debtor name Brothers Realty, LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF WEST VIRGINIA

Case number (if known) 17-20462

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☒ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☒ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☒ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☒ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☒ *Schedule H: Codebtors* (Official Form 206H)
- ☒ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☒ Other document that requires a declaration

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2017

X /s/ James L. Stephens

Signature of individual signing on behalf of debtor

James L. Stephens

Printed name

Managing Member

Position or relationship to debtor

Fill in this information to identify the case:

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United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**

Case number (if known) **17-20462**

☐ Check if this is an amended filing

Official Form 206Sum
Summary of Assets and Liabilities for Non-Individuals

12/15

Part 1: Summary of Assets

1. **Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)

1a. Real property: Copy line 88 from <i>Schedule A/B</i>	\$ 952,598.56
1b. Total personal property: Copy line 91A from <i>Schedule A/B</i>	\$ 266,981.89
1c. Total of all property: Copy line 92 from <i>Schedule A/B</i>	\$ 1,219,580.45

Part 2: Summary of Liabilities

2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D) Copy the total dollar amount listed in Column A, <i>Amount of claim</i> , from line 3 of <i>Schedule D</i>	\$ 362,728.75
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)	
3a. Total claim amounts of priority unsecured claims: Copy the total claims from Part 1 from line 5a of <i>Schedule E/F</i>	\$ 0.00
3b. Total amount of claims of nonpriority amount of unsecured claims: Copy the total of the amount of claims from Part 2 from line 5b of <i>Schedule E/F</i>	+\$ 23,312,921.66
4. Total liabilities Lines 2 + 3a + 3b	\$ 23,675,650.41

Fill in this information to identify the case:Debtor name **Brothers Realty, LLC**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**Case number (if known) **17-20462**☐ Check if this is an amended filing**Official Form 206A/B****Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents**1. Does the debtor have any cash or cash equivalents?**☐ No. Go to Part 2.☒ Yes Fill in the information below.**All cash or cash equivalents owned or controlled by the debtor****Current value of debtor's interest****3. Checking, savings, money market, or financial brokerage accounts (Identify all)**

Name of institution (bank or brokerage firm)

Type of account

Last 4 digits of account number

3.1. **Community Bank****Business Checking****2513****\$209.60**3.2. **Huntington National Bank****Business Checking****4665****\$12.67****4. Other cash equivalents (Identify all)****5. Total of Part 1.**

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$222.27**Part 2: Deposits and Prepayments****6. Does the debtor have any deposits or prepayments?**☒ No. Go to Part 3.☐ Yes Fill in the information below.**Part 3: Accounts receivable****10. Does the debtor have any accounts receivable?**☐ No. Go to Part 4.☒ Yes Fill in the information below.**11. Accounts receivable**

Debtor **Brothers Realty, LLC**
Name

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11a. 90 days old or less: 283,582.00 - 43,500.00 = \$240,082.00
face amount doubtful or uncollectible accounts

12. **Total of Part 3.**

Current value on lines 11a + 11b = line 12. Copy the total to line 82.

\$240,082.00

Part 4: Investments

13. Does the debtor own any investments?

- ☒ No. Go to Part 5.
☐ Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

- ☒ No. Go to Part 6.
☐ Yes Fill in the information below.

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- ☒ No. Go to Part 7.
☐ Yes Fill in the information below.

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?

- ☐ No. Go to Part 8.
☒ Yes Fill in the information below.

	General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
39.	Office furniture <u>Office Furniture</u>	<u>\$11,878.75</u>		<u>\$11,878.75</u>
40.	Office fixtures			
41.	Office equipment, including all computer equipment and communication systems equipment and software <u>Office Equipment</u>	<u>\$12,496.37</u>		<u>\$12,496.37</u>

42. **Collectibles** Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; china and crystal; stamp, coin, or baseball card collections; other collections, memorabilia, or collectibles

43. **Total of Part 7.**

Add lines 39 through 42. Copy the total to line 86.

\$24,375.12

44. Is a depreciation schedule available for any of the property listed in Part 7?

- ☐ No
☒ Yes

45. Has any of the property listed in Part 7 been appraised by a professional within the last year?

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Name

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- ☒ No
☐ Yes

Part 8: Machinery, equipment, and vehicles

46. Does the debtor own or lease any machinery, equipment, or vehicles?

- ☒ No. Go to Part 9.
☐ Yes Fill in the information below.

Part 9: Real property

54. Does the debtor own or lease any real property?

- ☐ No. Go to Part 10.
☒ Yes Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property

Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available).

Nature and extent of debtor's interest in property

Net book value of debtor's interest (Where available)

Valuation method used for current value

Current value of debtor's interest

55.1. **Office Building**
1244 Martins Branch
Road
Charleston, WV
25312

Union District,
Kanawha County, WV
Deed Book 2656,
Page 462

Fee simple

\$952,598.56

Book

\$952,598.56

56. **Total of Part 9.**

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets. Copy the total to line 88.

\$952,598.56

57. Is a depreciation schedule available for any of the property listed in Part 9?

- ☐ No
☒ Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

- ☒ No
☐ Yes

Part 10: Intangibles and intellectual property

59. Does the debtor have any interests in intangibles or intellectual property?

- ☒ No. Go to Part 11.
☐ Yes Fill in the information below.

Part 11: All other assets

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- ☐ No. Go to Part 12.
☒ Yes Fill in the information below.

Debtor **Brothers Realty, LLC**
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**Current value of
debtor's interest**

71. **Notes receivable**
Description (include name of obligor)
72. **Tax refunds and unused net operating losses (NOLs)**
Description (for example, federal, state, local)
73. **Interests in insurance policies or annuities**

Debtor Brothers Realty, LLC
Name

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Auto Liability 1,000,000.00
Policy #ZLP15T07239
Travelers Commercial Lines
Richard Young-MidState Insurance
1130 Carmack Blvd.
Columbia, TN 38402

Umbrella Policy 15,000,000.00
Policy #ZLP15T07239
Travelers Commercial Lines
Richard Young-MidState Insurance
1130 Carmack Blvd.
Columbia, TN 38402

Workers Comp & Employer Liability 1,000,000.00
Policy #HKUB2G98772-A-15
Travelers Commercial Lines
Richard Young-MidState Insurance
1130 Carmack Blvd.
Columbia, TN 38402

Commercial Property 3,606,395.00
Policy #MXI93053775
Allianz
Richard Young-MidState Insurance
1130 Carmack Blvd.
Columbia, TN 38402

IOGA West Virginia
Policy #0910-1284-Medical
Policy #450440-071-Dental
Lori Miller
300 Summers St., Suite 820
Charleston, WV 25301

Northwestern Mutual
Policy #0409885 500,000.00
Policy #0412299
Darren Wilburn
920 Quarrier St.
Charleston, WV 25301

Guardian Life Insurance Company of America
500,000.00
Policy #5210445
Judi Kravatz
6255 Sterners Way, 2W-AC09
Bethlehem, PA 18017

Berkshire Life Insurance
Disability Policy
Policy# 0444890-0
P. O. Box 644782
Pittsburgh, PA 15264

Hartford Fire Insurance Company 125,000.00
Policy #33BSBEQ3549
Huntington Insurance Inc.
L-3437
Columbus, OH 42360

\$0.00

Debtor Brothers Realty, LLC Case number (If known) 17-20462
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74. Causes of action against third parties (whether or not a lawsuit has been filed)
Hard Rock Exploration, Inc, et al.
v.
The Huntington National Bank
16-C-171

Circuit Court of Monongalia County, WV

Unknown

Nature of claim Civil - Damages and Injunctive Relief

Amount requested _____

75. Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims

76. Trusts, equitable or future interests in property

77. Other property of any kind not already listed *Examples: Season tickets, country club membership*

Unamortized Loan fees

\$2,302.50

78. Total of Part 11.

Add lines 71 through 77. Copy the total to line 90.

\$2,302.50

79. Has any of the property listed in Part 11 been appraised by a professional within the last year?

☒ No
☐ Yes

Debtor Brothers Realty, LLC Case number (If known) 17-20462
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Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i>	<u>\$222.27</u>	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	<u>\$0.00</u>	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	<u>\$240,082.00</u>	
83. Investments. <i>Copy line 17, Part 4.</i>	<u>\$0.00</u>	
84. Inventory. <i>Copy line 23, Part 5.</i>	<u>\$0.00</u>	
85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i>	<u>\$0.00</u>	
86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i>	<u>\$24,375.12</u>	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	<u>\$0.00</u>	
88. Real property. <i>Copy line 56, Part 9.....></i>		<u>\$952,598.56</u>
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	<u>\$0.00</u>	
90. All other assets. <i>Copy line 78, Part 11.</i>	+ <u>\$2,302.50</u>	
91. Total. Add lines 80 through 90 for each column	<u>\$266,981.89</u>	+ 91b. <u>\$952,598.56</u>
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		<u>\$1,219,580.45</u>

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United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**

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Official Form 206D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- ☐ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

		Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	
2.1	Kanawha County Sheriff's Office Creditor's Name Tax Division 409 Virginia Street, E RM 120 Charleston, WV 25301-2595 Creditor's mailing address Creditor's email address, if known Date debt was incurred 2017 Last 4 digits of account number 8758 Do multiple creditors have an interest in the same property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority.	Describe debtor's property that is subject to a lien Property and Personal Taxes Describe the lien Taxes Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) As of the petition filing date, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$7,653.69	\$0.00

2.2	The Huntington National Bank Creditor's Name 201 High Street, WE0104 Morgantown, WV 26505 Creditor's mailing address Creditor's email address, if known Date debt was incurred 2007 Last 4 digits of account number	Describe debtor's property that is subject to a lien Office Building 1244 Martins Branch Road Charleston, WV 25312 Describe the lien Real Estate Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)	\$355,075.06	\$952,598.56
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Debtor **Brothers Realty, LLC**

Name

Case number (if know)

17-20462

Do multiple creditors have an interest in the same property?

☒ No

☐ Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:

Check all that apply

☐ Contingent

☐ Unliquidated

☒ Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

\$362,728.75

Part 2: List Others to Be Notified for a Debt Already Listed in Part 1

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

**Christopher P. Schueller, Esq.
Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410**

Line **2.2**

Fill in this information to identify the case:

Debtor name **Brothers Realty, LLC**

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**

Case number (if known) **17-20462**

☐ Check if this is an amended filing

Official Form 206E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

☒ No. Go to Part 2.

☐ Yes. Go to line 2.

Part 2: List All Creditors with NONPRIORITY Unsecured Claims

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

3.1 Nonpriority creditor's name and mailing address

**The Huntington National Bank
201 High Street, WE0104
Morgantown, WV 26505**

Date(s) debt was incurred **Multiple**

Last 4 digits of account number

As of the petition filing date, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Basis for the claim: **Business Debt**

Is the claim subject to offset? ☒ No ☐ Yes

Amount of claim

\$23,312,921.66

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

	Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4.1	Christopher P. Schueller, Esq. Buchanan Ingersoll & Rooney PC One Oxford Centre 301 Grant Street, 20th Floor Pittsburgh, PA 15219-1410	Line 3.1 <input type="checkbox"/> Not listed. Explain	—

Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2

Lines 5a + 5b = 5c.

	Total of claim amounts
5a.	\$ 0.00
5b. +	\$ 23,312,921.66
5c.	\$ 23,312,921.66

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Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

☐ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

☒ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal* (Official Form 206A/B). *Property*

2. List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.1. State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract

Lease on Office Building located at 1244 Martins Branch Road Charleston, WV 25312 Month to Month

**Hard Rock Exploration, Inc
1244 Martins Branch Road
Charleston, WV 25360**

Fill in this information to identify the case:

Debtor name **Brothers Realty, LLC**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**Case number (if known) **17-20462**☐ Check if this is an amended filingOfficial Form 206H
Schedule H: Your Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Do you have any codebtors?

☐ No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.☒ Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

Column 1: Codebtor

Column 2: Creditor

Name

Mailing Address

Name

Check all schedules that apply:

- | | | | | |
|-------|------------------------------------|--|-------------------------------------|--|
| 2.1 | Francisco, Monica R. | 51 Amber Way
Scott Depot, WV 25560 | The Huntington National Bank | <input type="checkbox"/> D _____
<input checked="" type="checkbox"/> E/F <u>3.1</u>
<input type="checkbox"/> G _____ |
| <hr/> | | | | |
| 2.2 | Hard Rock Exploration, Inc. | 1244 Martins Branch Road
Charleston, WV 25312 | The Huntington National Bank | <input checked="" type="checkbox"/> D <u>2.2</u>
<input type="checkbox"/> E/F _____
<input type="checkbox"/> G _____ |
| <hr/> | | | | |
| 2.3 | Hard Rock Exploration, Inc. | 1244 Martins Branch Road
Charleston, WV 25312 | The Huntington National Bank | <input type="checkbox"/> D _____
<input checked="" type="checkbox"/> E/F <u>3.1</u>
<input type="checkbox"/> G _____ |
| <hr/> | | | | |
| 2.4 | Laughlin, Gregory | 301 Chiropractic Drive
Mount Zion, WV 26151 | The Huntington National Bank | <input type="checkbox"/> D _____
<input checked="" type="checkbox"/> E/F <u>3.1</u>
<input type="checkbox"/> G _____ |
| <hr/> | | | | |
| 2.5 | Laughlin, Gregory | 301 Chiropractic Drive
Mount Zion, WV 26151 | The Huntington National Bank | <input checked="" type="checkbox"/> D <u>2.2</u>
<input type="checkbox"/> E/F _____
<input type="checkbox"/> G _____ |

Debtor **Brothers Realty, LLC**

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Additional Page to List More Codebtors

Copy this page only if more space is needed. Continue numbering the lines sequentially from the previous page.

Column 1: Codebtor

Column 2: Creditor

2.6	Stephens, James L. Jr.	51 Amber Way Scott Depot, WV 25560	The Huntington National Bank	<input type="checkbox"/> D _____ <input checked="" type="checkbox"/> E/F <u>3.1</u> <input type="checkbox"/> G _____
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2.7	Stephens, James L. Jr.	51 Amber Way Scott Depot, WV 25560	The Huntington National Bank	<input checked="" type="checkbox"/> D <u>2.2</u> <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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2.8	Yost, Duane	211 Steele Hill Road Mount Morris, PA 15349	The Huntington National Bank	<input type="checkbox"/> D _____ <input checked="" type="checkbox"/> E/F <u>3.1</u> <input type="checkbox"/> G _____
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2.9	Yost, Duane	211 Steele Hill Road Mount Morris, PA 15349	The Huntington National Bank	<input checked="" type="checkbox"/> D <u>2.2</u> <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____
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United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF WEST VIRGINIA**

Case number (if known) **17-20462**

☐ Check if this is an amended filing

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

04/16

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

☐ None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

From the beginning of the fiscal year to filing date:

From **1/01/2017** to **Filing Date**

Sources of revenue
Check all that apply

☐ Operating a business

☒ Other **Rental Income**

Gross revenue
(before deductions and exclusions)

\$0.00

For prior year:

From **1/01/2016** to **12/31/2016**

☐ Operating a business

☒ Other **Rental Income**

\$0.00

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☒ None.

Description of sources of revenue

Gross revenue from each source
(before deductions and exclusions)

Part 2: List Certain Transfers Made Before Filing for Bankruptcy

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer
Check all that apply

3.1. **WV Secretary of State's Office
Annual Business Report
P.O. Box 40300
Charleston, WV 25364**

6/2017

\$25.00

☐ Secured debt

☐ Unsecured loan repayments

☐ Suppliers or vendors

☒ Services

☒ Other **Annual Business Report**

Debtor **Brothers Realty, LLC**Case number (if known) **17-20462**

Creditor's Name and Address	Dates	Total amount of value	Reasons for payment or transfer <i>Check all that apply</i>
3.2. Appalachian Power P.O. Box 24413 Canton, OH 44701-4415	6/2017 and 8/2017	\$45.51	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☒ None.

Insider's name and address Relationship to debtor	Dates	Total amount of value	Reasons for payment or transfer
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5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

☒ None

Creditor's name and address	Describe of the Property	Date	Value of property
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6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☒ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
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Part 3: Legal Actions or Assignments**7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.1. Hard Rock Exploration, Inc., et al. v. The Huntington National Bank 16-C-171	Civil	Circuit Court of Monongalia County, WV 75 High Street Morgantown, WV 26505	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded
7.2. Hard Rock Exploration, Inc., et al. v. The Huntington National Bank 17-MP-0001	Removal to Bankruptcy Court	U.S. Bankruptcy Court Northern District of West Virginia 324 W. Main Street Clarksburg, WV 26301	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

Debtor **Brothers Realty, LLC**Case number (if known) **17-20462**

	Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.3.	The Huntington National Bank v. Hard Rock Exploration, Inc, et al. 16-CV-00048	Civil	U. S. District Court Northern District of WV 217 W. King Street Martinsburg, WV 25401	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☒ None

Part 4: Certain Gifts and Charitable Contributions

9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000

☒ None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
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Part 5: Certain Losses

10. All losses from fire, theft, or other casualty within 1 year before filing this case.

☒ None

Description of the property lost and how the loss occurred	Amount of payments received for the loss	Dates of loss	Value of property lost
	<p>If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.</p> <p>List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).</p>		

Part 6: Certain Payments or Transfers**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

	Who was paid or who received the transfer? Address	If not money, describe any property transferred	Dates	Total amount or value
11.1.	Fowler Bell PLLC 300 W. Vine Street, Suite 600 Lexington, KY 40507-1751		9/2017	\$115,000.00
	Email or website address McKinstry@Fowlerlaw.com			
	Who made the payment, if not debtor? Hard Rock Exploration, Inc.			

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

Debtor **Brothers Realty, LLC**Case number (if known) **17-20462**☐ None.**Name of trust or device****Describe any property transferred****Dates transfers
were made****Total amount or
value****13. Transfers not already listed on this statement**

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☐ None.**Who received transfer?
Address****Description of property transferred or
payments received or debts paid in exchange****Date transfer
was made****Total amount or
value****Part 7: Previous Locations****14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☐ Does not apply**Address****Dates of occupancy
From-To****Part 8: Health Care Bankruptcies****15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

☐ No. Go to Part 9.☐ Yes. Fill in the information below.**Facility name and address****Nature of the business operation, including type of services
the debtor provides****If debtor provides meals
and housing, number of
patients in debtor's care****Part 9: Personally Identifiable Information****16. Does the debtor collect and retain personally identifiable information of customers?**☐ No.☐ Yes. State the nature of the information collected and retained.**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**☐ No. Go to Part 10.☐ Yes. Does the debtor serve as plan administrator?**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**

Debtor **Brothers Realty, LLC**Case number (if known) **17-20462****18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

☐ None

Financial Institution name and Address	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
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19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

☐ None

Depository institution name and address	Names of anyone with access to it Address	Description of the contents	Do you still have it?
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20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

☐ None

Facility name and address	Names of anyone with access to it	Description of the contents	Do you still have it?
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Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☐ None
Part 12: Details About Environment Information

For the purpose of Part 12, the following definitions apply:

Environmental law means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

Site means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

Hazardous material means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.
☐ No.

☐ Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
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23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

Debtor **Brothers Realty, LLC**

- ☒ No.
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
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24. Has the debtor notified any governmental unit of any release of hazardous material?

- ☒ No.
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
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Part 13: Details About the Debtor's Business or Connections to Any Business

25. Other businesses in which the debtor has or has had an interest

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- ☒ None

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		Dates business existed

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

- ☐ None

Name and address	Date of service From-To
26a.1. Rudy Dzaodny, CPA 71 Perrine Road Grove City, PA 16127	2008-Present

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

- ☒ None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

- ☒ None

Name and address	If any books of account and records are unavailable, explain why
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26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

- ☒ None

Name and address

27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

- ☒ No
☐ Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory	Date of inventory	The dollar amount and basis (cost, market, or other basis) of each inventory
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Debtor **Brothers Realty, LLC**Case number (if known) **17-20462**

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and nature of any interest	% of interest, if any
Gregory Laughlin	P.O. Box 68 Mount Zion, WV 26151	Member	33.33% ownership
Name	Address	Position and nature of any interest	% of interest, if any
Duane V. Yost	212 Steele Hill Drive Mount Morris, PA 15349	Member	33.33% ownership
Name	Address	Position and nature of any interest	% of interest, if any
James L. Stephens, Jr.	51 Amber Way Scott Depot, WV 25560	Managing Member	33.33% ownership

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- ☒ No
☐ Yes. Identify below.

30. **Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- ☒ No
☐ Yes. Identify below.

Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
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31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- ☒ No
☐ Yes. Identify below.

Name of the parent corporation	Employer Identification number of the parent corporation
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32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No
☐ Yes. Identify below.

Name of the parent corporation	Employer Identification number of the parent corporation
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Debtor **Brothers Realty, LLC**Case number (if known) **17-20462****Part 14: Signature and Declaration**

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **October 13, 2017**

/s/ James L. Stephens
Signature of individual signing on behalf of the debtor

James L. Stephens
Printed name

Position or relationship to debtor **Managing Member**

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

☒ No

☐ Yes

United States Bankruptcy Court
Southern District of West Virginia

In re **Brothers Realty, LLC**

Debtor(s)

Case No. **17-20462**

Chapter **11**

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:
- | | | |
|---|----|--------------------|
| For legal services, I have agreed to accept | \$ | Hourly Rate |
| Prior to the filing of this statement I have received | \$ | 0.00 |
| Balance Due | \$ | 0.00 |
2. \$ **1,717.00** of the filing fee has been paid.
3. The source of the compensation paid to me was:
- ☐ Debtor ☒ Other (specify):
4. The source of compensation to be paid to me is:
- ☐ Debtor ☒ Other (specify): **Hard Rock Exploration, Inc.**
5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
- ☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
 - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
 - d. [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

October 13, 2017
Date

/s/ Taft A. McKinstry
Taft A. McKinstry, Esq. Kentucky Bar ID. 46610
Signature of Attorney
Fowler Bell PLLC
300 W. Vine Street
Suite 600
Lexington, KY 40507-1660
859-252-6700 Fax: 859-255-3735
Bankruptcy@FowlerLaw.com
Name of law firm

**United States Bankruptcy Court
Southern District of West Virginia**

In re **Brothers Realty, LLC**

Debtor(s)

Case No. **17-20462**

Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Laughlin, Gregory P.O. Box 68 Mount Zion, WV 26151		33.33%	Member
Stephens, James L. Jr. 51 Amber Way Scott Depot, WV 25560		33.33%	Managing Member
Yost, Duane 212 Steele Hill Drive Mount Morris, PA 15349		33.33%	Member

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Managing Member** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **October 13, 2017**

Signature /s/ James L. Stephens
James L. Stephens

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of West Virginia**

In re **Brothers Realty, LLC**

Debtor(s)

Case No. **17-20462**

Chapter **11**

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **October 13, 2017**

/s/ James L. Stephens

James L. Stephens/Managing Member

Signer/Title

Christopher P. Schueller, Esq.
Buchanan Ingersoll & Rooney PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410

Francisco, Monica R.
51 Amber Way
Scott Depot, WV 25560

Hard Rock Exploration, Inc
1244 Martins Branch Road
Charleston, WV 25360

Hard Rock Exploration, Inc.
1244 Martins Branch Road
Charleston, WV 25312

Kanawha County Sheriff's Office
Tax Division
409 Virginia Street, E RM 120
Charleston, WV 25301-2595

Laughlin, Gregory
301 Chiropractic Drive
Mount Zion, WV 26151

Stephens, James L. Jr.
51 Amber Way
Scott Depot, WV 25560

The Huntington National Bank
201 High Street, WE0104
Morgantown, WV 26505

Yost, Duane
211 Steele Hill Road
Mount Morris, PA 15349

**United States Bankruptcy Court
Southern District of West Virginia**

In re **Brothers Realty, LLC**

Debtor(s)

Case No. **17-20462**

Chapter **11**

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Brothers Realty, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

October 13, 2017

Date

/s/ Taft A. McKinstry

Taft A. McKinstry

Signature of Attorney or Litigant
Counsel for **Brothers Realty, LLC**

Fowler Bell PLLC

300 W. Vine Street

Suite 600

Lexington, KY 40507-1660

859-252-6700 Fax:859-255-3735

Bankruptcy@FowlerLaw.com